

PATENT
Serial No. 10/020,022
Amendment in Reply to Office Action of August 23, 2005

IN THE DRAWING

Please replace FIGs 1-2 with the enclosed replacement

FIGs 1-2.

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REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, FIGs 1-2 have been amended to change reference numeral "126" to --176--, in conformance with the amendments to the specification included in the response (mailed on August, 3, 2005) to the Office Action of June 30, 2005. A replacement sheet including FIGs 1-2 is enclosed. Applicants respectfully request approval of the enclosed proposed drawing changes.

By means of the present amendment, the specification has been amended to delete a reference numeral not included in the drawings.

In the Office Action, claims 1-3, 5-6, 7-15, 17-21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,689,825 (Averbuch) in view of U.S. 5,496,692 (Shanahan). Further, claims 4 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Averbuch in view of Shanahan and U.S. 4,700,375 (Reed). Claims 22-24 and 27-29 were rejected under 35

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U.S.C. §103(a) as being unpatentable over Averbuch in view of Shanahan and U.S. 4,896,566 (Averbuch-2).

In response, claims 12, 24 and 29 have been canceled without prejudice, and claims 1, 7 and 15 have been amended. Applicants respectfully submit that claims 1-11, 13-23 and 25-28, as amended, are patentable over Averbuch, Shanahan, Reed and Averbuch-2 for at least the following reasons.

On pages 5 and 8 of the Office Action, column 2, lines 25-26 are cited in rejecting claims 12, 24 and 29, alleging that:

Averbuch et al. teaches notifying the remote source of the availability of the charging device for receiving the data by initiating the software download. (Emphasis added)

Without agreeing with the Examiner, and to advance prosecution and expedite allowance of the present application, independent claims 1, 7 and 15 have been amended, where independent claim 1 recites (and similarly recited in independent claims 7 and 15), amongst other patentable elements:

means for providing the remote source with notification as to when the charger is not available and when the charger is available for receiving the data from the remote source.
(Emphasis added)

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The above-noted features are nowhere taught or suggested in Averbuch, Shanahan, Reed, Averbuch-2, and combinations thereof. Accordingly, it is respectfully submitted that independent claims 1, 7 and 15 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-11, 13-14, 16-23 and 25-28 should also be allowed at least based on their dependence from independent claims 1, 7 and 15, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to:

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Respectfully submitted,

By 
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November 22, 2005

Enclosure: Replacement drawing sheet (1 sheet with FIGs 1-2)

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